IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3346 OF 2004

IN

SUIT NO.3190 OF 2004

...

Pankaj N. Sanghvi ...Plaintiff

v/s.

Madhukanta N. Sanghvi

and ors. ...Defendants

...

Plaintiff in person.

Mr.Vinod Solanki with Mr.S.K.Mestry for Defendant No.3.

Mr.O.P.Shukla for Defendants Nos. 1 & 2.

...

**CORAM: D.K.DESHMUKH, J.**

**DATED:** 29TH SEPTEMBER,2005

**P.C.:**

The Plaintiff and the learned Counsel appearing for the Defendants are agreed that for disposing of the Notice of Motion in following terms no reasons are required to be recorded:

1. Notice of Motion is granted in terms of prayer clause (c).

2. Defendant No.3 undertakes to deposit in this court, without prejudice to his rights and contentions, an amount of Rs.3,50,000/- with due intimation to the Plaintiff within a period four weeks from today.

3. On deposit being made, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount, without prejudice to his rights and contention in the suit, on furnishing an undertaking to the court undertaking therein to bring back the amount, if so directed by this court on such terms and conditions as may be directed by this court.

4. The Plaintiff be permitted to withdraw the amount within a period of six weeks from the date of its deposit. If the Plaintiff does not withdraw the amount within the aforesaid period, then the Prothonotary & Sr.Master shall invest the amount in fixed deposit during the pendency of the suit.

5. Motion disposed of.

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